

REMARKS

Applicant appreciates the Examiner's allowance of Claims 39, 41, 43, 44, 46, 48, 49, 51, 53 and 57-59. The undersigned also appreciates the Examiner's time and input during their recent telephone interview. The Examiner's comments and recommendations have been incorporated into this response.

Applicant will now address the Examiner's remaining objections and rejections in the Final Rejection.

Claim Objections

In the Final Rejection, the Examiner objects to independent Claims 63-65 and states that "the side edge" lacks antecedent basis and should be "the side edges." Applicant has amended the claims accordingly and requests that the Examiner withdraw the objections to the claims.

Claim Rejections - 35 USC §103

Rejections In View of Yamazaki '702

The Examiner also rejects Claims 24, 25, 28, 54, 60, 66, 72 and 78 under 35 USC §103(a) as being unpatentable over Zaleski (US 5,455,791) together with Yamazaki et al. '702 (US 6,127,702) and rejects Claims 29, 30, 33, 34, 35, 38, 55, 56, 61, 62, 67, 68, 73, 74, 79 and 80 under 35 USC §103(a) as being unpatentable over Zaleski together with Yamazaki '702 and Liu (US 5,814,854). These rejections are respectfully traversed.

Applicant respectfully submits that these rejections are improper under 35 USC §103(c).

In particular, 103(c)(1) states:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (f) of

section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

In this case, the present application was filed on October 27, 2003 as a divisional application under 35 USC §120 of U.S. application serial no. 09/192,745 filed on November 16, 1998. While Yamazaki ‘702 was filed on September 16, 1997, it did not issue as a patent until October 3, 2000. Hence, the Examiner must be citing Yamazaki ‘702 as a §102(e) reference. Further, both the subject matter of Yamazaki ‘702 and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person (i.e. Semiconductor Energy Laboratory Co., Ltd.). This statement is in accordance with MPEP 706.02(I)(2).

Therefore, since Yamazaki ‘702 is viewed as subject matter developed by another person (Yamazaki et al.; the present application is to Yamazaki) which qualifies as prior art only under §102(e) and the subject matter of Yamazaki ‘702 and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, Yamazaki ‘702 shall not preclude patentability under §103.

Accordingly, it is respectfully requested that these rejections be withdrawn.

Rejections Over Ham

The Examiner also rejects Claims 60, 72 and 78 under 35 USC §103(a) as being unpatentable over Zaleski in view of Ham et al. (US 3,890,632) and Claims 61, 62, 73, 74, 79 and 80 under 35 USC §103(a) as being unpatentable over Zaleski in view of Ham and Liu. These rejections are respectfully traversed.

While Applicant traverses these rejections, in order to advance the prosecution of this application, Applicant is amending independent Claims 60-62 to recite the feature of “a second impurity region formed between the pair of the impurity regions.” It is respectfully submitted that neither Zaleski nor Ham disclose or suggest this feature.

Applicant notes that this feature was recited in dependent Claims 66-68 which have now been canceled. The Examiner did not reject Claims 66-68 over Zaleski and Ham. While these dependent claims were rejected over Zaleski and Yamazaki ‘702, as explained above, those rejections have been overcome.

Therefore, independent Claims 60-62 and those claims dependent thereon are not disclosed or suggested by the cited references and are patentable over these references. Accordingly, it is respectfully requested that these rejections be withdrawn.

New Claims

Applicant is also adding new Claims 84-87. These claims include the features of an oxide film and wherein a conductivity type of a portion of the oxide film is the same as that of the pair of impurity regions. These features are supported by, for example, Embodiment 13 (page 41 et seq.) and Figs. 17A-17D of the present application. Accordingly, it is respectfully requested that these new claims be entered and examined at this time.

If any fee should be due for these new claims, please charge our deposit account 50/1039.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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